

Appln. No. 10/700,944

Amendment

Reply to Office Action dated September 23, 2004

Docket No. 789-39-1

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated September 23, 2004. This amendment is timely filed.

At the time of the Office Action, claims 1-10 were pending in the application. In the Office Action, claims 1-7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over GB Patent No. 17,196 to Grenville ("Grenville") in view of U.S. Patent No. 5,879,250 to Tahtinen et al. ("Tahtinen").

Applicants disagree with this rejection. Nevertheless, in order to accelerate prosecution, Applicants hereby amend claim 1 by incorporating therein the subject matter of claim 8 as filed (now cancelled), which the Examiner has not rejected. Since the new claim 1 now incorporates the subject matter of claim 8 as filed, it is respectfully submitted that the new claims 2-7, and 10, dependent on the amended claim 1, are now patentable over Grenville in view of Tahtinen.

In view of the above and foregoing, Applicants respectfully request withdrawal of the rejection of claims 1-7 and 10 under 35 U.S.C. § 103.

The Office Action rejected claims 1-10 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,702,697 to Lussier et al. Applicants note that a timely-filed Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) would overcome the rejection provided that the conflicting patent is shown to be commonly owned with this application. Accordingly, Applicants submit herewith a duly executed Terminal Disclaimer including a certification that the present application is commonly owned with the owner of the previous U.S. Patent No. 6,702,697.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite

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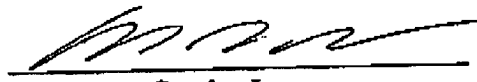
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the prosecution of the application to an allowance. In view of the foregoing remarks,
Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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